REMARKS

Claims 28-32 remain pending. Favorable reconsideration is respectfully requested.

The present invention relates to a fertilizer comprising an organic nitrogen-containing composition comprising fermentation mother liquor obtained by culturing the strain of *Enterobacter agglomerans* in a liquid medium the pH of which is adjusted to 5.0 or less, to allow L-glutamic acid to be produced and accumulated, which is accompanied by precipitation of L-glutamic acid, and then separating L-glutamic acid from the medium, where the fertilizer comprises cells of a strain of *Enterobacter agglomerans* having L-glutamic acid-producing ability. See Claim 28.

Thus, an important feature of the fertilizer is that it contains cells of *Enterobacter agglomerans*. See the last two lines of Claim 28.

The rejection of the claims under 35 U.S.C. §112, first paragraph, is respectfully traversed. In Example 1 of the present application, an organic nitrogen-containing composition was obtained by separating crystals of L-glutamic acid which precipitated in the crystal slurry from total culture product. See page 46, lines 2-5 of the specification. Therefore, one skilled in the art would appreciate that the organic nitrogen-containing composition contains cells of *Enterobacter agglomerans*.

In view of the foregoing, Claim 28 does not contain new matter. Accordingly, withdrawal of this ground of rejection is respectfully requested.

The rejections of the claims under 35 U.S.C. §102(b) over Moriya et al. or in the alternative, under 35 U.S.C. §103(a) over Moriya et al. in view of Ter-Sarkesyan et al., Erceg et al. and Romaneko et al. are respectfully traversed. Those references fail to disclose or suggest the claimed fertilizer.

Moriya et al. describe an L-glutamic acid-producing bacterium, a method for producing L-glutamic acid, and, in particular strain IAM1595. See the Abstract and page 3,

lines 36. The reference describes that the culturing may be performed at a pH of 4 to 8 (see page 7, line 34). The Examiner cites the culturing procedure described in an Example at page 8, lines 20-50 of the reference. Applicants confirm that the culturing described in the Examples of Moriya et al. was conducted at a neutral pH. Therefore, the IAM1595 strain was not cultured under acidic conditions as claimed.

In fact, since the Examples of Moriya et al. were conducted at neutral pH, the mother liquor obtained in those Examples is the organic nitrogen-containing composition shown in the Comparative Example of the present application at pages 46-48, which is clearly distinguished from the claimed fertilizer.

Ter-Sarkesyan et al. disclose a fertilizer obtained by combining and neutralizing spent culture broth, wash water, and mother liquor from a crystallization stage. The culture broth is obtained by culturing a microorganism under neutral pH to accumulate L-glutamic acid in a medium and then acidifying the post culture broth to pH 0.8-1.2 to precipitate L-glutamic acid. See the Abstract. Therefore, the claimed fertilizer is not obtained by the method described by Ter-Sarkesyan et al.

Erceg et al. discuss the use of microorganisms as fertilizers and pest control agents in agricultural crops. See the Abstract.

Romanenko et al. discuss the ability of certain bacteria to suppress the development of phytopathgenic bacteria. See the Abstract cited by the Examiner (only the Abstract was cited).

The combination of Moriya et al., Ter-Sarkesyan et al., Erceg et al. and Romanenko et al. fail to suggest the claimed fertilizer. The culturing described in the Examples of Moriya et al. was conducted at a neutral pH, and not under acidic conditions as claimed. Following the method described by Ter-Sarkesyan et al. does not produce the claimed fertilizer. None of

the cited references would suggest modifying the Examples of Moriya et al. so that the culturing is conducted under acidic pH as claimed.

Therefore, the claimed fertilizer is not disclosed or suggested by the cited references. Accordingly, withdrawal of these grounds of rejection is respectfully requested.

The rejection of the claims under 35 U.S.C. §112, first paragraph, is respectfully traversed.

The specification provides a detailed description of methods of obtaining microorganisms used to prepare the claimed fertilizer. See page 9, line 10 to page 12, last line. Using those methods, one can obtain *Enterobacter agglomerans* other than the AJ13355 strain for preparing the claimed fertilizer. In of the foregoing, withdrawal of this ground of rejection is respectfully requested.

The rejection of Claim 30 under 35 U.S.C. §112, second paragraph, is believed to be obviated by the amendment submitted above. Accordingly, withdrawal of this ground of rejection is respectfully requested.

Applicants submit that the present application is in condition for allowance. Early notice to this effect is earnestly solicited.

Respectfully submitted,

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